UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,253	10/31/2003	Peter S. Ebert	13909-125001 / 2003P00496	9923

			EXAMINER
32864	7590	03/14/2005	CHUNG, DANIEL J

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ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/697,253	EBERT, PETER S.
		Examiner	Art Unit	
		Daniel J Chung	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Drawings

The drawings are not objected to by the Examiner.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-33 and 41-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brooks et al (US 2004/0113912) in view of Fushimi et al (US

2004/0070624).

Regarding claim 1, Brooks et al discloses that the claimed feature of a method

comprising: obtaining data corresponding to one or more data dimensions from a data

source [i.e. "data collection"; 6] (See Fig 1); generating a smart radar chart graphical

user interface, the smart radar chart graphical user interface comprising a visual

representation [i.e. 'graphical representations in Fig 5-9] of the obtained data [i.e. "Qa-Ql"] corresponding to the one or more data dimensions [i.e. "Xa-Xl"], wherein each data dimension [i.e. "Xa-Xl"] is displayed radiating from a central point (See Fig 9), and data [i.e. "Qa-Ql"] corresponding to a data dimension is displayed at a position indicating a value of the data in relation to a reference value [i.e. "UL","LL"] to enable identification of an exception; and rendering the smart radar chart graphical user interface. (See Fig 9, [63])

Brooks et al does not specifically discloses the implementation of graphical user interface. However, such limitation is shown in the teaching of Fushimi et al. [i.e. "user interface section" within radar chart display control unit; See Fig 2-3] It would have been obvious to one skilled in the art to incorporate the teaching of Fushimi et al into the teaching of Brooks et al, in order to provide user friendly manner of manipulating the graphical representations effectively, as such improvement is also advantageously desirable in the teaching of Brooks et al for "the process operator can interact with the display unit to adjust...to see the effect this..." (See [31])

Regarding claim 2, Brooks et al discloses that generating a first smart radar chart graphical user interface having a first level of detail of the obtained data. (See the graphical representations between Fig 6 and Fig 7, where different level are shown; Also See [158] in Fushimi et al)

Regarding claim 3, Brooks et al discloses that a second level of detail of the obtained data for one ore more dimensions displayed in the first smart radar chart graphical user interface. (See the graphical representations between Fig 6 and Fig 7, where different level are shown; Also See [158] in Fushimi et al)

Regarding claim 4, Brooks et al discloses that a second smart radar chart in response to user manipulation of an input device. (See [31-33]; Also See [158] in Fushimi et al)

Regarding claim 5, refer the discussion for the claim 1 hereinabove, Fushimi et al further discloses that obtaining data from a remote data source. (See [24] in Fig 2, [46],[49])

Regarding claim 6, refer the discussion for the claim 1 hereinabove, Fushimi et al discloses that obtaining data using a communications link. (See [24] in Fig 2, [46],[49])

Regarding claim 7, Brooks et al discloses that obtaining data periodically [i.e. discrete operation"]. (See [15])

Regarding claim 8, Brooks et al discloses that obtaining data continuously [i.e. "continuous operation"]. (See [15])

Regarding claim 9, refer the discussion for the claim 1 hereinabove, Fushimi et al discloses that obtaining data in response to an occurrence of an event. [i.e. "input interface"; 15 in Fig 2, See [51-55]]

Regarding claim 10, refer the discussion for the claim 1 hereinabove, Fushimi et al discloses that the event comprises a user input. [i.e. "input interface"; 15 in Fig 2, See [51-55]]

Regarding claim 11, Brooks et al discloses that the reference value comprises an average value of measured data corresponding to a data dimension. (See Fig 9, [63])

Regarding claim 12, Brooks et al discloses that the reference value comprises a dynamically computed value. (See Fig 5-7, [25-34])

Regarding claims 13-14, Brooks et al discloses that the reference value comprises a minimum/maximum value of measured data corresponding to a data dimension. [i.e. "LL","UL"] (See Fig 9)

Regarding claim 15, Brooks et al discloses that the reference value comprises a predetermined value. (See Fig 9, [63])

Regarding claim 16, refer the discussion for the claim 1 hereinabove, Fushimi et al discloses that normalizing ["normalizing"] the data. (See [116-117])

Regarding claim 17, Brooks et al discloses that displaying the data [i.e. "Qa-QI"] in relation to a representation of the reference value [i.e. "LL","UL"]. (See Fig 9, [63])

Regarding claim 18, Brooks et al discloses that the reference value is dynamically computed based on the obtained data. (See Fig 5-7, [25-34])

Regarding claim 19, Brooks et al discloses that indicating a difference between the data and the reference value. (See Fig 9, Abstract)

Regarding claim 20, Brooks et al discloses that generating an audible alert ["alarm" i.e. 'sounding alarm'] indicating presence of an exception. (See Abstract, Fig 1,2,5)

Regarding claim 21, claim 21 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 21.

Regarding claim 22, claim 22 is similar in scope to the claim 2, and thus the rejection to claim 2 hereinabove is also applicable to claim 22.

Regarding claim 23, claim 23 is similar in scope to the claim 3, and thus the rejection to claim 3 hereinabove is also applicable to claim 23.

Regarding claim 24, claim 24 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 24.

Regarding claim 25, claim 25 is similar in scope to the claim 17, and thus the rejection to claim 17 hereinabove is also applicable to claim 25.

Regarding claim 26, Brooks et al discloses that generating a representation of the data at distance proportional to a magnitude of a deviation of the data from the reference value. (See Fig 9, [63]; Also See [42],[59],[89],[127] in Fushimi)

Regarding claim 27, claim 27 is similar in scope to the claim 19, and thus the rejection to claim 19 hereinabove is also applicable to claim 27.

Regarding claim 28, refer to the discussion for the claim 1 hereinabove, Brooks et al discloses that the claimed feature of a graphical user interface that enables perception of information regarding one or more data dimensions, the interface

comprising: a data presentation area [i.e. "display unit"; 12]; a visual representation [Fig 5-9] within the data presentation area [12] based upon data corresponding to one ore more data dimensions [Xa-Xl], wherein each data dimension is displayed radiating from a central point in a common plane (See Fig 9), and data corresponding to a data dimension is displayed at a position indicating a value of the data [Qa-Ql]in relation to a reference value [UL,LL] to enable identification of an exception. (See Fig 1, Fig 9, [63])

Regarding claim 29, claim 29 is similar in scope to the claim 2, and thus the rejection to claim 2 hereinabove is also applicable to claim 29.

Regarding claim 30, claim 30 is similar in scope to the claim 3, and thus the rejection to claim 3 hereinabove is also applicable to claim 30.

Regarding claims 31-33, refer the discussion for the claim 1 hereinabove, Fushimi et al discloses that the second representation is activated in response to user overt selection of a designated portion of the first representation using a user input device, where a position of an input device relative to a user interface. (See [158])

Regarding claim 41, claim 41 is similar in scope to the claim 11, and thus the rejection to claim 11 hereinabove is also applicable to claim 41.

Regarding claim 42, claim 42 is similar in scope to the claim 15, and thus the rejection to claim 15 hereinabove is also applicable to claim 42.

Regarding claim 43, claim 43 is similar in scope to the claim 17, and thus the rejection to claim 17 hereinabove is also applicable to claim 43.

Regarding claim 44, Brooks et al discloses that the representation fo the reference value comprises a reference circle. (See Fig 9)

Regarding claim 45, claim 45 is similar in scope to the claim 26, and thus the rejection to claim 26 hereinabove is also applicable to claim 45.

Regarding claim 46, claim 46 is similar in scope to the claim 19, and thus the rejection to claim 19 hereinabove is also applicable to claim 46.

Regarding claim 47, Brooks et al discloses that a summary indicator is rendered based on the value of the data. (See Fig 5-9)

Regarding claim 48, claim 48 is similar in scope to the claim 20, and thus the rejection to claim 20 hereinabove is also applicable to claim 48.

Claims 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brooks et al (US 2004/0113912) in view of Fushimi et al (US 2004/0070624), and

further in view of Slotznick (6,011,537).

Regarding claim 34, Brooks et al fails to discloses that the second representation

is rendered in a pop-up window. However, utilizing of pop-up window to display new

contents is shown in the teaching of Slotznick. (See col 3 line 24-36) It would have

been obvious to one skilled in the art to incorporate the teaching of Slotznick into the

teaching of Brooks et al, in order to improve user's responsiveness for observe ring the

graphical representation (as pop-up window is more noticeable by user), as such

improvement is also advantageously desirable in the teaching of Brooks et al for

rendering multiple graphical representations with user friendly manner.

Regarding claim 35, refer to the discussion for the claim 34 hereinabove,

Slotznick further discloses that the second representation is rendered as an overlay to

the first representation. (See Fig 17, col 38 lien 11-24)

Regarding claims 36-38, refer to the discussion for the claim 34 hereinabove,

Slotznick further discloses that automatically closing the second representation based

upon an expiration of a predetermined length of time. (See col 38 line 25-64)

Regarding claim 39-40, refer to the discussion for the claim 34 hereinabove,

Slotznick further discloses that the intent to close the second representation is inferred

based upon a position/input of a user input device. (See Fig 17, col 38 line 25-64)

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Daniel J. Chung whose

telephone number is (703) 306-3419. He can normally be reached Monday-Thursday

and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be

reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
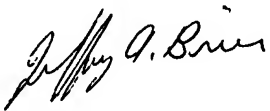
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
March 4, 2005

JEFFERY BRIER
PRIMARY EXAMINER